(1)

No. _____

FILED

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OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1995

GENE FLINN, individually,
and on behalf of a class of
persons, et al.,

Petitioners

v.

THE FLORIDA BAR, a Florida
corporation; John Does, et al.,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

THE GENE FLINNS/Unit
In Proper Persons
5100 SW 87 Avenue
(Galloway Road)
Miami, Florida 33165
(305) 274-0033
(305) 852-8100 (Keys)

March 21, 1996

25 pp

QUESTIONS PRESENTED

Whether Equal Protection afforded a federally authorized unit "Strike Force' officer is constitutionally being abridged by State Bar obstruction of justice grievances repeatedly filed against Petitioners occasioned solely by 'white collar' ascertained progress in leaked law enforcement investigations/probes of influential lawyer connected racketeering (Titles 18 and 26 of the U. S. Code, as amended) cases.

Whether a District Judge who took bribes and facing the very real threat of impeachment by the House and a trial before the U. S. Senate, upon indictment and conviction in the Southern District of New York abused his discretion in failing to disclose this predicament (jam) to a federally authorized party seeking a preliminary injunction against an organization which would pass upon the Judge's privilege to practice law in his home state after being disrobed.

LIST OF PARTIES

The Florida Bar with its Foundation adjunct, which underwrites, as Respondents.

The Gene Flinns are the initial signers as Lead Petitioners for the purpose of seeking the Writ.

In reality, the case before the Court is that of the two (2) 'Bars' versus the People of the United States in the matter of Sheik Omar Abdel-Rahman, a foreign national.

TABLE OF CONTENTS

QUESTIONS PRESENTED	i
LIST OF PARTIES	ii
TABLE OF CONTENTS	iii
TABLE OF AUTHORITIES	v
OPINION BELOW	1
JURISDICTION	1
PROLOGUE TO THE CASE	3
PRECIPITATING EVENTS	4
STATEMENT OF THE CASE	5
ARGUMENT AND REASONS FOR GRANTING THE WRIT	6
CONCLUSION	8

APPENDIX

Appendix A - Order of the United States Court of Appeals for the Eleventh Circuit Filed August 24, 1995	1a
Appendix B - Order of the United States Court of Appeals for the Eleventh Circuit dated July 10, 1995	2a
Appendix C - Order of the United States Court of Appeals for the Eleventh Circuit dated March 21, 1995	4a

Contents

Appendix D - Order of the United States District Court for the Southern District of Florida, Miami Division dated April 29, 1994 5a

Appendix E - Order of the United States District Court for the Southern District of Florida, Miami Division, dated March 21, 1994 7a

TABLE OF AUTHORITIES

The issues, as presented, are unprecedented, and the reason for the absence of case citations. There are no instances where a State Bar has purposely transgressed to undermine an investigation into a clear and present national security danger; nor acted to transverse proscribed boundaries to commingle itself in the market place as a means to finance such undertakings.

The Petitioners pray that a Writ of Certiorari issue to review the judgement entered July 10, 1995 affirming without opinion and the Per Curiam denial upon rehearing (August 24, 1995) of the United States Court of Appeals for the Eleventh Circuit in the above entitled proceeding, and the uncirculated Order appointing an Atlanta based Judge to rehear every case in which the District's, Kevin Michael Moore, was the presiding Judge, excepting the instant Cause.

OPINION BELOW

There exists no Opinion of the Court of Appeals for the Eleventh Circuit Court and the aforementioned denial is unpublished and is reprinted in the appendix hereto. The Order appointing, Judge O'Kelley has been described as "unavailable".

JURISDICTION

This Court has jurisdiction based upon constitutional questions presented pursuant to the First Amendment as applicable to Freedom of Speech (as to overwhelming crime, collusion, and corruption); the right to assemble for redress of such grievances, and as consequential violations of Due Process The Fourteenth Amendment to the United States Constitution is applicable to state action directed, as here,

to coerce the Petitioners into withdrawing from a threatened national security (foreign terrorist bombing) case.

This Petition for Writ of Certiorari is filed under the provisions of 28 U.S.C. 2101(c) and (d). The Petition has been filed within the time allowed by law, and the Court.

PROLOGUE TO THE CASE

The Petitioning parties have participated in enforcement probes and frequently assisted agencies involved in other types of problems. The targeted 'white collars'; indictable/indicted Defendants have worked the State Bar, for one such channeling, to reverse target members of this outreach Unit. Included in such forays are multiple acts of perpetrated (street) violence, which have resulted in personal injuries, and the loss of life to be added to "Bar" instituted (further) reprisals in both the revoking and the denial of State professional licenses. These facts were known to the District Judge, who had come under Bureau investigation for corruptive practices. He delays his ruling until after an out-of-state Federal Grand Jury fails to indict on conspiracy charges, though fingered by the Brooklynite 'flips', for 'Hobbs'.

PRECIPITATING EVENTS

While Petitioners were engaged with the supervising Bureau Agent, Brian Jerome, in the World Trade Center investigation on the Ryder Rental aspect of the case, Flinn, himself, received official notice from Respondent threatening to take him before a grievance committee.

The Petitioners had filed reports including a follow up 'Memorandum' of legal import to William Sessions suggesting, for example Ryder's cooperation in its New Jersey Branch suing the lessee of the van that was used to carry out the multi-bomb plot for discovery of the co-conspirators. Thereafter Petitioner turned 180 degrees to meet Respondent's 'stop order' challenge. There is to be found an Aldrich Ames in authority.

STATEMENT OF THE CASE

The Petitioning Flinns, sought an injunction directed to Respondent, as the State disciplinary organization, and 'others' aligned yet unidentified as the law enforcement quelling instigators, in a declaratory brought action to enjoin 'running blocks' for conducted interferences in attacking Petitioner during and for his federally obligated assignments referencing U. S. Code Titles 18 and 26 violations. Respondent's interfering action for this filing was contemporaneously with his early on participation with the Bureau in the matter of the World Trade Center in 1993.

The District Court denied relief and the Circuit in disallowing a request for oral argument affirmed the 12(b)(6) Ruling, without opinion, though it appoints an Atlanta Judge to rehear every other case (excepting the Flinns) this Miami Judge presided over during this tainted period.

ARGUMENT AND REASON FOR GRANTING WRIT

Though and while Petitioners are accorded the status of Federal Constabulary, Respondent, as a competing force, opts to be known and singularly as that of the top enforcement organization in this State.

In "While England Slept" context, it has failed thusly in ferreting out entrenched lawyers involved/connection in criminal and corruptive practice activities, particularly in this South Florida headquarters for the illicit drug trafficking and for bank/securities racketeering. The FBI published rising numbers given out since 1980 prove that point. Petitioners responded to those challenges. As a consequence, Respondent has reacted to interfere by filing grievances, or instigating otherwise some type of punitive action against the Lead Petitioner to derail contemporaneously a list of probes/investigations, which shall be appendix to the Brief.

The law enforcement arena is not the only place Respondent is a competitive force. Respondent committed time and resources to engage in pure commercialism and for a profit extending well beyond its thought-to-be orthodox activities. For an instance, and

delivering some tax impact bearing on the Budgetary Deficit, the Florida Bar organized, funded, and provided the expertise' for launching a Casualty Insurance Carrier ("FLMIC") to become competitive with national admitted (in Florida) companies. Respondent also acquires heretofore tax producing revenue going to the U. S. Treasury in its commandeering the interest paid by banking institutions on lawyer trust accounts. Ref: Flinn on The Florida Bar Foundation, Inc. "The Big IOTA Steal". Petitioner was recommended for disbarment by a financial and business interlocked Bar board.

CONCLUSION

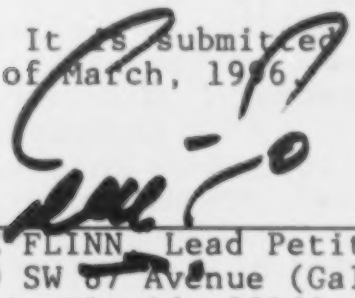
The key as well as the case importance lies in constitutional Supremacy (Clause) - of the federal overriding right to take action for the general welfare in deference to any individual state interest. Here, Petitioner(s) are being penalized by Respondent's interference while actively engaged in the pursuit of an unprecedented problem - for Americans - which is of immediate and national concern.

Petitioners in their quest to preserve the integrity of the joint federal probe are repulsed by a (now) baggage laden Judge under a federal cloud for taking 'freebies' [Moore's term], which Petitioners as long standing federal people submitted to the Circuit violates 18 U.S.C. §201(c)(1)(A). The Judge obviously is influenced by Petitioner's constabulary status, which also led to the Circuit to a dodge 'em single liner. The fact Petitioners had to disengage from a called in FBI investigation at a crucial stage in a bomb attack where six (6) people died, and prior to indictment(s), to meet a domestic based threat to his liberty is grounds for reversal.

The case should, therefore, be remanded with instructions as to Petitioners' entitlement to fees and costs; reinstatement without reservations, and an award of

compensation from the Florida Bar/Foundation to be made to those injured, damaged, and to the next of kin of persons killed both in the line of federal duty, and bystanders through terrorist acts.

It is submitted this the 21st day of March, 1996.



GENE FLINN, Lead Petitioner
5100 SW 67 Avenue (Galloway Road)
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(305) 852-8100 (Keys)

APPENDIX A - ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT FILED AUGUST 24, 1995

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 94-4587

GENE FLINN, individually, and on behalf of a class of persons, within and out of state,

Plaintiff-Appellant,

versus

FLORIDA BAR, a Florida corporation, corporate affiliates; John Doe; Jane Doe, as indicated and unindicted co-conspirators/confederates,

Defendants-Appellees.

On Appeal from the United States District Court for the Southern District of Florida

BEFORE: ANDERSON and CARNES, Circuit Judges, and JOHNSON, Senior Circuit Judge.

PER CURIAM:

The petition(s) for rehearing filed by Appellant is Denied.

ENTERED FOR THE COURT:

UNITED STATES CIRCUIT JUDGE
FILED AUG. 24, 1995

APPENDIX B - ORDER OF THE UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT DATED JULY 10, 1995

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

CASE NO. 94-4587
Non-Argument Calendar
D.C. Docket No. 93-2490 CIV-KMM

GENE FLINN, individually, and on behalf of class of persons, within and out of State,

Plaintiff-Appellant,

versus

FLORIDA BAR, a Florida corporation, corporate affiliates; JOHN DOE; JANE DOE, as indicted and unindicted co-conspirators/confederates,

Defendants-Appellees.

Appeal from the United States District Court for the Southern District of Florida

(July 10, 1995)

Before ANDERSON and CARNES, Circuit Judges, and JOHNSON, Senior Circuit Judge.

PER CURIAM:

Gene Flinn appeals from the district court's dismissal of his petition to enjoin the Florida Bar from initiating disciplinary proceedings against him for the unauthorized practice of law.

After reviewing the record, we conclude that the district court did not abuse its discretion in dismissing Flinn's petition.

AFFIRMED.

APPENDIX C - ORDER OF THE UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT DATED MARCH 21, 1995

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

CASE NO. 94-4587

GENE FLINN, individually, and on behalf of class of persons, within and out of State,

Plaintiff-Appellant,

versus

FLORIDA BAR, a Florida corporation, corporate affiliates; JOHN DOE; JANE DOE, as indicted and unindicted co-conspirators/confederates,

Defendants-Appellees.

On Appeal from the United States District Court for the Southern District of Florida

Before TJOFLAT, Chief Judge, EDMONDSON and BIRCH, Circuit Judges.

BY THE COURT:

Appellant's "Request for Court to Certify," construed as a motion to certify issues to the United States Supreme Court, is

Denied.

APPENDIX D - ORDER OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, MIAMI DIVISION DATED APRIL 29, 1994

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 93-2490-CIV-MOORE

GENE FLINN, individually, and on behalf of class of persons, within and out of State,

Petitioner,

vs.

FLORIDA BAR, a Florida corporation, corporate affiliates; JOHN DOE, and JANE DOES, as indicted and unindicted co-conspirators/confederates,

Respondents.

ORDER

THIS CAUSE came before the Court upon Petitioner's Motion for Rehearing (DE #34) and Motion for Certification of Class (DE #30).

THE COURT has considered the Motions and the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ORDER AND ADJUDGED that the Motions be DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 29th day of April, 1994.

/s/_____
K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

copies provided:

Gene Flinn, Pro Se
Jacquelyn P. Needelman, Esq.

APPENDIX E - ORDER OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, MIAMI DIVISION DATED MARCH 2!, 1994

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 93-2490-CIV-MOORE

GENE FLINN, individually, and on behalf of class of persons, within and out of State,

Petitioner,

vs.

FLORIDA BAR, a Florida corporation, corporate affiliates; JOHN DOE, and JANE DOES, as indicted and unindicted co-conspirators/confederates,

Respondents.

ORDER

THIS CAUSE came before the Court upon "Attorney's Verified Petition for a Preliminary Injunction Pursuant to Rule 65, Fed.R.Civ.P." (DE #1) and Amendment to the Petition (DE #7). In response to the "petition," Defendant Florida Bar has filed a Motion to Strike Petition (DE #9) and Motion to Dismiss (DE #10).

THE COURT has considered the petition, motions, responses and the pertinent portions of the record, and being otherwise fully advised

in the premises, it enters the following Order.

Gene Flinn has filed a six-page petition, with exhibits, consisting of a description of conspiracies, "nefarious conduct", intimidation and murder. Although not at all clear from the petition, Flinn's allegations appear to revolve around his disbarment for false accusations against public officials, fraud, misrepresentation and other charges. See The Florida Bar v. Flinn, 575 So.2d 634 (Fla. 1991).[1] In challenging his disbarment and/or the Florida Bar's attempts to seek a remedy for his alleged unauthorized practice of law following disbarment, Petition has invoked 42 U.S.C. §1981, 1983, and 1983, as well as the Racketeer, Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§ 1961-1968 and the related sections of 18 U.S.C.

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1. This Court notes that throughout his pleadings, Flinn continues to refer to himself as an attorney. Petitioner is directed to S.C. Fla. Loc.R. 11.1(B) which reads as follows: "Any person who before admission to the Bar of this Court or during his disbarment or suspension exercises in this District in any action or proceeding pending in this Court any of the privileges of a member of the Bar, or pretends to be entitled to do so, may be found guilty of contempt of Court."

§§ 1513-1514.

Federal Courts should refrain from interfering with state proceedings. Younger v. Harris, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971). Courts have held that federal abstention is particularly appropriate in matters involving attorney discipline. See, e.g., Erdmann v. Stevens, 458 F.2d 1205 (2d Cir.), cert. denied, 409 U.S. 889, 93 S.Ct. 126, 34 L.Ed.2d 147 (1972); Anonymous v. Association of the Bar of the City of New York, 515 F.2d 427 (2 Cir.) cert. denied, 423 U.S. 863, 96 S.Ct. 122, 46 L.Ed.2d 92 (1975); Bishop v. State Bar of Texas, 736 F.2d 292 (5th Cir. 1984). Accordingly, the Court should abstain from hearing this action and the case should be dismissed.[2] Therefore, it is

ORDER AND ADJUDGED that the Motion to dismiss (DE #10) be GRANTED and this case is DISMISSED with prejudice. FURTHER ORDERED that all other pending motions are DENIED. This case is closed.

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2. Even if this Court were to decide that abstention did not preclude a federal court from hearing this case, the Court would dismiss the case for failure to provide a "short and plan statement of the claim" under Fed.R.Civ.P. 8(a).

DONE AND ORDERED in Chambers at Miami, Florida, this 21st day of March, 1994.

/s/_____
K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

copies provided:

Gene Flinn, Pro Se
Jacquelyn P. Needelman, Esq.